

1 Q Okay. Did any of the Sumpters have access to the
2 Allen, Texas site?

3 A They --

4 Q Could they come and go at the Allen, Texas site if
5 as they chose to do so?

6 JUDGE STEINBERG: Let's see what was up there,
7 where they would come and go from, how would they get in and
8 out.

9 MS. LANCASTER: Okay.

10 JUDGE STEINBERG: What would they do there.

11 MS. LANCASTER: I'm sorry.

12 BY MS. LANCASTER:

13 Q Describe the site in Allen, Texas.

14 Q Allen, Texas has a tower with a block house below
15 the tower, with a chain-linked fence around it, with a
16 combination lock.

17 Q Okay. Did any of the Sumpters know the
18 combination to the lock?

19 A That I do not know.

20 JUDGE STEINBERG: Did you ever tell them?

21 THE WITNESS: No, I did not even know it.

22 JUDGE STEINBERG: Who knew from your organization?

23 THE WITNESS: Service manager.

24 BY MS. LANCASTER:

25 Q Did any of the Sumpters have -- could they come

1 and go out of your office at any time of the day or night as
2 they chose?

3 A During the daytime, they could. Night, we lock it
4 up.

5 Q Okay. So they could come and go as long as you're
6 there, but they couldn't come and go if you weren't -- if no
7 one was at your office; is that correct?

8 A Yeah, it would be locked.

9 Q Right.

10 A And they did not have the combination.

11 Q Okay. Did any of the Sumpters have any control
12 over who serviced their stations, the equipment for their
13 stations?

14 A They -- if we had a problem, like for example we
15 covered before with Sue, she would designate to the tech,
16 the service manager, that we have a problem at this site
17 with this repeater, which would be one of our -- one of the
18 repeaters or stations that they have. Then our service
19 manager would go out. She had -- she did.

20 Now, would this information pass onto Sumpters if
21 they had a problem with their repeaters, no.

22 Q In fact, Mr. Brasher, DLB in managing the
23 Sumpters' licenses, DLB determined who worked in the office
24 of DLB, and the Sumpters had no input as to who you hired or
25 who you fired; is that correct?

1 A That's incorrect.

2 Q How is that incorrect?

3 A Sumpter made suggestions to us.

4 Q What suggestions did he make to you?

5 A About payroll, about what was happening and
6 situations like that.

7 Q Okay, did Melissa ever make any suggestions to
8 you?

9 A No, ma'am.

10 Q How about Jennifer?

11 JUDGE STEINBERG: Jim Sumpter made suggestions to
12 you around payroll?

13 THE WITNESS: Mm-hmm.

14 JUDGE STEINBERG: And were the suggestions the
15 type of suggestions a CPA would make to his client? Is that
16 what you're talking about?

17 THE WITNESS: Not all the times, no. He knew us
18 very personally. He knew our employees very well. He met
19 with them and talked with them. And even in our visits at
20 his office sometime he would ask who is doing what and how
21 is he doing. He knew our personnel quite well.

22 JUDGE STEINBERG: Was that being sociable?

23 THE WITNESS: Sometimes sociable. Sometimes, I
24 guess, being a little nosey.

25 BY MS. LANCASTER:

1 Q Did he ever direct you to hire a particular
2 person?

3 A Not hire.

4 Q Did he ever direct you to fire a particular
5 person?

6 A Suggested, but never directed.

7 Q Did you fire that person?

8 A No.

9 Q Okay. Did Norma or Melissa or Jennifer ever
10 direct you to hire any specific person?

11 A No.

12 Q Did they ever direct you to fire anybody?

13 A No. They would not. They are not that type.

14 Q Okay. Aside from Jim Sumpter advising you in his
15 capacity as your accountant, did he ever direct you --
16 direct you, when I say "you," I'm talking DLB and/or
17 Metroplex, not you personally. You understand that, right?

18 A Yeah.

19 Q Did he ever direct any of the policy, other
20 management policies of DLB?

21 A Guidance on what we should do and should not do,
22 yes.

23 Q That's from an accountant point of view though,
24 right?

25 A Also as a personal finance advisor.

1 Q Okay. How about Norma, Melissa and Jennifer?

2 A No.

3 Q Norma, Melissa, Jennifer and Jim never received
4 any monies as a result of having these licenses; is that
5 correct?

6 A That's correct.

7 Q Okay. And it's your testimony that their payment,
8 or the way I understand your testimony that their payment
9 for receiving these licenses -- for having these licenses
10 was to pay off monies that they -- at least Jim owed DLB
11 and/or Metroplex?

12 A No. It was suggested that Norma, Norma only
13 suggested that. Jim would never suggest paying that bill
14 off, but Norma would, and she did.

15 Q Okay. And is it your position that these licenses
16 somehow paid DLB and/or Metroplex -- somehow paid off that
17 debt?

18 A No. I would not assume that because I knew he
19 would never be -- there would never be an issue presented by
20 Pat to Norma.

21 Q Would any of the Sumpters know whether or not
22 their stations in trunked?

23 A Yes.

24 Q How?

25 A Melissa. I mean, Jennifer. Sorry.

1 Q Jennifer would know that her station is trunked?

2 A Was not trunked.

3 Q How would she know that?

4 A Because we mentioned or told her that it was
5 solely for conventional use.

6 Q And she knows what conventional use means?

7 A She's a license holder, and I have to assume it.
8 Now, I don't know for sure.

9 Q Did you ever tell her what conventional use means?

10 A I don't remember if I did or not.

11 Q Would she know what trunk use is?

12 A I don't know that either.

13 Q As far as you know, has Jennifer ever had any
14 other FCC license, station license?

15 A She has never had another -- as far as I know, she
16 has never had another FCC license.

17 Q As far as you know, would she have any experience
18 regarding trunked or conventional stations other than the
19 fact she now is a licensee?

20 A Only from the past use of the telephone system she
21 has we talked about the words "trunk" and everything else in
22 that period of time, and she used a radio that used a trunk
23 system in the 800s. She -- she is not an unknown
24 information for her. She could know it from conversations
25 that the Sumpters and us had.

1 Q Okay. Do you know for sure that she knows it?

2 A I don't know that for sure at all.

3 Q Okay. Before this litigation began or this
4 investigation into this case began, did any of the Sumpters
5 know where their specific individual stations were located?

6 A Yes.

7 Q And it's your position that they know that because
8 of the paper work that was delivered to Jim Sumpter's
9 accounting office?

10 A And the face of their license.

11 Q Okay. Did you ever tell them?

12 A Yes, they knew it was in Allen.

13 Q Okay. Would Melissa know what a trunk station is?

14 A No, ma'am.

15 Q Would she know whether or not her station is
16 trunked or conventional?

17 A No, ma'am.

18 Q How about Norma?

19 A Possibility on Norma. I do not -- I couldn't
20 confirm it, but possibility.

21 Q You have not had any conversations with any of the
22 Sumpters regarding whether their stations are trunked or
23 conventional other than the conversation that you had with
24 Jennifer?

25 A Jennifer. But at the same time they are familiar

1 with the terminology. They talked with us. They are at our
2 home. Whenever -- even their visiting sometime. We don't
3 just talk about family things. We talk about businesses,
4 what to do here, what to do there, how the operation. They
5 are not a kind of closed -- Jim is not a type that closes
6 his mind, not want to know what goes on.

7 Q Have they ever directed you to say whether or not
8 they wanted a trunked station or a conventional station?

9 A They have not.

10 (Pause.)

11 BY MS. LANCASTER:

12 Q Would any of the Sumpters know the value of their
13 licenses?

14 A I'm not assuming. I know that they know the --
15 that what they thought the value of their license would be
16 based upon knowing what 800 did. Some of the question was
17 will these license ever be worth 800, and definitely I know
18 we told them that it will have value, or it could have value
19 in the future, but that depends on what develops up that
20 way. They have -- they have a sense of value, and they
21 realized they had a value.

22 Q Did they have any idea how much value it's worth
23 though? What the -- specifically what the value would be?

24 A At that time -- at that time, the only thing they
25 know is from the money we retained from 800 was -- was good.

1 They know from there. And we never quoted them a price, it
2 would be 10,000 or nothing like that. We did indicate that
3 it could have value in the future.

4 JUDGE STEINBERG: Was the 10,000 figure used? You
5 didn't mean to say that is how much they were worth, did
6 you?

7 THE WITNESS: No, no.

8 JUDGE STEINBERG: You picked that out of the --

9 THE WITNESS: Yeah, I did pick it out.

10 JUDGE STEINBERG: Okay.

11 THE WITNESS: Yeah. I wished they were worth
12 that.

13 MS. LANCASTER: Hold on a second.

14 (Pause.)

15 JUDGE STEINBERG: If you want to go to a whole new
16 subject matter, maybe we want to break for the evening, or
17 if not, maybe you should finish up, and then we'll break.
18 It's up to you. Do you want to go off the record and confer
19 with Mr. Kellett?

20 MS. LANCASTER: Certainly.

21 JUDGE STEINBERG: Okay, let's go off the record.

22 (Whereupon, a recess was taken.)

23 JUDGE STEINBERG: We're back on the record.

24 BY MS. LANCASTER:

25 Q Mr. Sumpter --

1 MR. ROMNEY: Brasher.

2 JUDGE STEINBERG: Try Brasher.

3 MS. LANCASTER: I'm sorry. I got Sumpter on the
4 brain.

5 BY MS. LANCASTER:

6 Q Mr. Brasher, you testified earlier when I asked
7 you about the two letters from -- let's see, who were they
8 from -- from Jim Sumpter, that you had received one of them,
9 but you had not received the other; is that correct?

10 JUDGE STEINBERG: Why don't we put the documents -
11 -

12 MS. LANCASTER: Okay, let's look at Exhibit 40
13 very quickly.

14 BY MS. LANCASTER:

15 Q I believe you testified that you never received
16 this letter from Jim Sumpter; is that correct ?

17 A Correct.

18 Q Okay. Look at Exhibit 48, did you receive that
19 letter from Norma Sumpter?

20 A No.

21 Q Okay. Look at 53.

22 Q Sixty-three?

23 Q Fifty-three.

24 A Fifty-three.

25 Q Five-three.

1 Did you receive that letter from Melissa Sumpter?

2 A Fifty-three. Yes, we received that letter.

3 Q Okay, you got that one from Melissa.

4 A That was the November 29th letter. We received
5 that from everybody.

6 Q Okay.

7 A In the same envelope.

8 Q Oh, okay.

9 (Pause.)

10 BY MS. LANCASTER:

11 Q You did receive the letter in Exhibit 49 -- no,
12 48. You did state that, right? I want to make sure.

13 A Let me look, please, ma'am.

14 No, we did not receive that letter.

15 Q You did receive Exhibit 47; is that correct?

16 I'm just trying to figure out which ones you
17 received and which ones you didn't.

18 A We received four letters that's similar to the one
19 on Exhibit 47, which said November 29, 1997.

20 Q And you received that same letter, one from Jim,
21 one from Norma, one from Melissa and one from Jennifer?

22 A In the same envelope; yes, ma'am.

23 Q Okay. But Exhibit 49, you've never received any
24 letters like that one?

25 JUDGE STEINBERG: You mean 48?

1 THE WITNESS: Forty-eight?

2 MS. LANCASTER: Forty-eight. Yes, I'm sorry.

3 BY MS. LANCASTER:

4 Q You've never received any letters like that one
5 from any of the Sumpters?

6 A That is correct.

7 Q Okay. Look at Exhibit 56. Did you receive that
8 letter?

9 A Fifty-six? Yes.

10 Q You did receive that letter?

11 A Yes.

12 Q Okay. Mr. Sumpter, will you turn back to Exhibit
13 17?

14 JUDGE STEINBERG: Mr. Brasher.

15 THE WITNESS: Mr. Brasher.

16 MS. LANCASTER: I mean, Mr. Brasher. I'm sorry.

17 BY MS. LANCASTER:

18 Q Exhibit 17?

19 A Seventeen?

20 Q Page 2.

21 A State that again.

22 Q Exhibit 17, page 2.

23 A Seventeen is over here.

24 (Pause.)

25 MR. ROMNEY: Just to be clear, I take it we're

1 referring to the numbered page 2?

2 MS. LANCASTER: Correct.

3 MR. ROMNEY: Not the second page of the exhibit?

4 MS. LANCASTER: No, we're talking about the second
5 page of the exhibit. I'm sorry. It says, "Answer One" on
6 the second page of the exhibit.

7 MR. ROMNEY: Okay.

8 MS. LANCASTER: Am I missing -- in my copy it's
9 page -- oh, I'm sorry. My copy doesn't have it.

10 JUDGE STEINBERG: Let's --

11 MS. LANCASTER: It would be exhibit page 3, but it
12 is "Answer One" which has a two at the bottom of the page.

13 JUDGE STEINBERG: So it's -- if you count from the
14 front of the exhibit, it's the third page with a typed
15 number two on the bottom.

16 MS. LANCASTER: Correct.

17 JUDGE STEINBERG: And the second full paragraph
18 say "Answer One".

19 BY MS. LANCASTER:

20 Q Mr. Sumpter --

21 JUDGE STEINBERG: Let's have Mr. Brasher.

22 MS. LANCASTER: Mr. Brasher. I am sorry.

23 BY MS. LANCASTER:

24 Q Mr. Brasher -- oh, I'm sorry.

25 (Witness reviews document.)

1 THE WITNESS: I read that first paragraph. Do you
2 want me to read all the answers on one?

3 BY MS. LANCASTER:

4 Q I'll tell you what, if you just look at the next
5 to the last -- no, I guess it's the last page of this
6 exhibit, and affirm for us that that is your signature. It
7 says, "Respectfully submitted," that you signed there and
8 dated it 12-4-98?

9 A You asked me to read all of this and --

10 Q No, I'm asking you -- 17 is a letter that you
11 wrote or directed to be written to the FCC on your behalf;
12 is that correct?

13 A That's correct.

14 Q And the information contained in Exhibit 17 was
15 accurate?

16 A I'd have to read every bit of it again because,
17 you know --

18 Q Well, would -- I'm sorry.

19 Would you have signed it if you didn't think it
20 was accurate?

21 A At that time, but there is maybe refreshing of
22 memory ever since then with other things that has happened.

23 Q When you signed it, did you think that the
24 information contained in it was accurate?

25 MR. ROMNEY: Objection; asked and answered.

1 MS. LANCASTER: No, I don't believe it has been
2 answered.

3 JUDGE STEINBERG: I didn't hear an answer.

4 MR. ROMNEY: He said "yes".

5 JUDGE STEINBERG: Did you say "yes"?

6 THE WITNESS: Yes, sir.

7 BY MS. LANCASTER:

8 Q Okay, and you signed it on 12-4-98?

9 A Yes.

10 Q Okay. In the fourth paragraph of answer one, the
11 letter reads, "In 1985, DLB purchased an 800 megahertz band
12 trunk system. Jim Sumpter set up the accounting system to
13 handle the new activity. In compensation for those
14 services, Jim Sumpter was offered mobile equipment and air
15 time for as long as desired. The offer was accepted and
16 service was provided for three or four years."

17 A That was 800.

18 Q That's correct.

19 A Nine hundred, that's what he was -- that's what he
20 did not pay for.

21 MS. LANCASTER: Okay, I have no further questions.

22 JUDGE STEINBERG: Forever or for today?

23 MS. LANCASTER: For today.

24 JUDGE STEINBERG: For today.

25 (Laughter.)

1 MS. LANCASTER: For today.

2 JUDGE STEINBERG: Okay, we will be in recess until
3 nine a.m. tomorrow morning.

4 MR. ROMNEY: Thank you.

5 JUDGE STEINBERG: You can go off the record.

6 (Whereupon, at 4:03 p.m., the hearing in the
7 above-entitled matter was recessed, to resume at 9:00 a.m.,
8 on Wednesday, February 28, 2001.

9 //

10 //

11 //

12 //

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

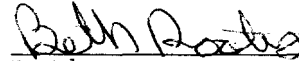
25 //

REPORTER'S CERTIFICATE

FCC DOCKET NO.: 00-156
CASE TITLE: In Re: Ronald Brasher
HEARING DATE: February 27, 2001
LOCATION: Washington, DC

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Federal Communications Commission.

Date: _2-27-01__


Beth Roots
Official Reporter
Heritage Reporting Corporation
1220 L Street, N.W., Suite 600
Washington, D.C. 20005-4018

TRANSCRIBER'S CERTIFICATE

I hereby certify that the proceedings and evidence were fully and accurately transcribed from the tapes and notes provided by the above named reporter in the above case before the Federal Communications Commission.

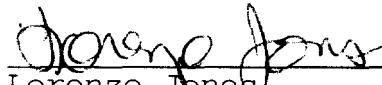
Date: _3-12-01__


Joyce Boe
Official Transcriber
Heritage Reporting Corporation

PROOFREADER'S CERTIFICATE

I hereby certify that the transcript of the proceedings and evidence in the above referenced case that was held before the Federal Communications Commission was proofread on the date specified below.

Date: _3-12-01__


Lorenzo Jones
Official Proofreader
Heritage Reporting Corporation

Heritage Reporting Corporation
(202) 628-4888